IN THE CLAIMS

Claims 10, 26, 27, 30, 62, 78, 79, and 82 have been cancelled. Claims 1, 25, 28, 31, 53, 77, 80, 83, and 87 have been amended. New claims 91-97 have been added. Claims 1, 25, 28, 31, 53, 77, 80, 83, and 87-97 are pending in the instant application. The following is the current status of the claims of the above-captioned application.

1. (Currently Amended) A method for producing a ~~biological substance~~ polypeptide, comprising:

(a) cultivating a fungal host cell in a medium conducive for the production of the biological substance, wherein the fungal host cell comprises a first nucleic acid sequence encoding the ~~biological substance~~ polypeptide operably linked to a second nucleic acid sequence comprising a promoter variant comprising ~~selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4,~~ SEQ ID NO: ~~5, SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12~~; ~~and~~ or a ~~subsequences~~ subsequence thereof; ~~and~~ or a hybrid ~~and~~ or a tandem ~~promoters~~ promoter thereof; wherein the subsequence or hybrid promoter comprises at least one copy of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70); and

(b) isolating the ~~biological substance~~ polypeptide from the cultivation medium.

2-9. (Cancelled).

10. (Cancelled).

11-24. (Cancelled)

25. (Currently Amended) The method of claim 1, wherein the promoter variant comprising SEQ ID NO: 5 increases expression of the first nucleic acid sequence ~~and is selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, SEQ ID NO: 5, and subsequences thereof~~ compared to the parent promoter of SEQ ID NO: 1.

26. (Cancelled).

27. (Cancelled).

28. (Currently Amended) The method of claim ~~27~~ 1, wherein the hybrid promoter comprises ~~one or more~~ a ~~portions~~ portion ~~selected from the group consisting~~ of ~~SEQ ID NO: 2,~~ SEQ ID NO: 3, ~~SEQ ID NO: 4,~~ and a portion of SEQ ID NO: 5, ~~SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12,~~ wherein at least one of the portions comprises at least one copy of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70).

29. (Cancelled).

30. (Cancelled).

31. (Currently Amended) The method of claim ~~30~~ 1, wherein the tandem promoter comprises ~~two or more promoters selected from the group consisting of SEQ ID NO: 2,~~ SEQ ID NO: 3, ~~SEQ ID NO: 4,~~ and SEQ ID NO: 5, ~~SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12~~.

32-52. (Cancelled).

53. (Currently Amended) An isolated promoter variant comprising ~~a nucleic acid sequence selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4,~~ SEQ ID NO: 5, ~~SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12;~~ ~~and~~ or a ~~subsequences~~ subsequence thereof; ~~and~~ or a hybrid ~~and~~ or a tandem ~~promoters~~ promoter thereof; wherein the subsequence or hybrid promoter comprises at least one copy of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70).

54-61. (Cancelled).

62. (Cancelled).

63-76. (Cancelled).

77. (Currently Amended) The promoter variant of claim 53, which increases expression of ~~the~~ a ~~first~~ nucleic acid sequence encoding a polypeptide ~~wherein the promoter variant is~~

~~selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 3, SEQ ID NO: 4, and SEQ ID NO: 5, and subsequences thereof~~ compared to the parent promoter of SEQ ID NO: 1.

78. (Cancelled).

79. (Cancelled).

80. (Currently Amended) The promoter variant of claim ~~79~~ 53, wherein the hybrid promoter comprises ~~one or more~~ a ~~portions~~ portion ~~selected from the group consisting~~ of ~~SEQ ID NO: 2,~~ SEQ ID NO: 3, ~~SEQ ID NO: 4,~~ and a portion of SEQ ID NO: 5, ~~SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12,~~ wherein at least one of the portions comprises at least one copy of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70)..

81. (Cancelled).

82. (Cancelled).

83. (Currently Amended) The promoter variant of claim ~~82~~ 53, wherein the tandem promoter comprises ~~two or more promoters selected from the group consisting of SEQ ID NO: 2,~~ SEQ ID NO: 3, ~~SEQ ID NO: 4,~~ and SEQ ID NO: 5, ~~SEQ ID NO: 6, SEQ ID NO: 7, SEQ ID NO: 8, SEQ ID NO: 9, SEQ ID NO: 10, SEQ ID NO: 11, and SEQ ID NO: 12~~.

84-86. (Cancelled).

87. (Currently Amended) A nucleic acid construct comprising a nucleic acid sequence encoding a biological substance operably linked to the promoter variant of claim 53, ~~or subsequences thereof, or hybrid and tandem promoters thereof~~.

88. (Original) A recombinant expression vector comprising the nucleic acid construct of claim 87.

89. (Original) A recombinant host cell comprising the nucleic acid construct of claim 87.

90. (Original) A method for producing a biological substance, comprising (a) cultivating a homologously recombinant cell, having incorporated therein a new transcription unit comprising a promoter variant of claim 53, an exon, and/or a splice donor site operably linked to a second exon of an endogenous nucleic acid sequence encoding the biological substance, under conditions conducive for production of the biological substance; and (b) recovering the biological substance.

91. (New) The method of claim 28, wherein both portions of the hybrid promoter comprise at least one copy of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70).

92. (New) The method of claim 1, wherein the fungal host cell contains one or more copies of the first nucleic acid sequence.

93. (New) The method of claim 1, wherein the fungal host cell contains one copy of the first nucleic acid sequence.

94. (New) The method of claim 1, wherein the polypeptide is selected from the group consisting of an antigen, enzyme, growth factor, hormone, immunodilator, neurotransmitter, receptor, reporter protein, structural protein, and transcription factor.

95. (New) The method of claim 1, wherein the polypeptide is native or foreign to the fungal host cell.

96. (New) The promoter variant of claim 80, wherein both portions of the hybrid promoter comprise at least one copy of the sequence CGGCGTAATTTCGGCC (SEQ ID NO: 70).

97. (New) The method of claim 77, wherein the polypeptide is selected from the group consisting of an antigen, enzyme, growth factor, hormone, immunodilator, neurotransmitter, receptor, reporter protein, structural protein, and transcription factor.